

REMARKS

In the Office Action¹ mailed July 16, 2007, the Examiner objected to the specification for informalities; rejected claims 45 and 46 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; rejected claims 45 and 46 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1, 2, 14, 15, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,970,459 to Meier ("Meier") in view of U.S. Patent 6,901,449 to Selitrennikoff et al. ("449 patent"); rejected claims 3-5 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Meier in view of the '449 patent, and further in view of U.S. Patent No. 7,054,319 to Akahane et al. ("Akahane"); and rejected claims 6-13, 19-32, 35-39, and 43-46 under 35 U.S.C. § 103(a) as being unpatentable over Meier in view of Akahane.

Applicant amends the specification, including the title; cancels claims 1-34, 43, and 45 without prejudice or disclaimer; and amends claims 35, 36, 39, 44, and 46.

Objection to the Specification

Applicant amends the specification to include the application numbers of the related applications. Applicant respectfully requests the withdrawal of the objection to the specification.

Rejection under 35 U.S.C. § 101

Applicant respectfully traverses the rejection of claims 45 and 46 under U.S.C. § 101. Claim 46 is drawn to patentable subject matter. Specifically, claim 46, as amended, recites "[a] computer-readable medium storing a computer-readable program for communication in multi-protocol environment, the computer program executed by a

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

gateway and comprising . . .,” in accordance with the Examiner’s suggestion. Office Action at 3. Claim 45 is cancelled. Applicant respectfully requests the withdrawal of the rejection of claims 45 and 46 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 112, second paragraph

Applicant respectfully traverses the rejection of claims 45 and 46 under U.S.C. § 112, second paragraph. Claim 46, as amended, recites “[a] computer-readable medium storing a computer-readable program for communication in multi-protocol environment, the computer program executed by a gateway and comprising . . .,” in accordance with the Examiner’s suggestion. Office Action at 3. Claim 46 is clear and definite. Further, claim 45 is cancelled. Applicant respectfully requests the withdrawal of the rejection of claims 45 and 46 under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claims 35-42, 44, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Meier in view Akahane. A *prima facie* case of obviousness cannot be established with respect to claims 35-42, 44, and 46, as amended.

To establish a *prima facie* case of obviousness, the prior art reference (or *references* when combined) must teach or suggest all the claim limitations. See M.P.E.P. § 2142, 8th Ed., Rev. 5 (August 2006).

A *prima facie* case of obviousness cannot be established with respect to claims 35-42, 44, and 46, because, among other things, neither Meier nor Akahane, taken alone or in any reasonable combination, teach or suggest each and every element of claims 35-42, 44, and 46.

Claim 35, as amended, recites a method, comprising, among other things, “*scaling the first parameter value to a second parameter value consistent with a second data link protocol using a scale factor associated with the second data link protocol,*” (emphasis added).

Meier discloses a communication system in which multiple protocols and proxy services are executed. Meier, abstract. Fig. 12 of Meier shows a mobile virtual tunneling protocol gateway (MVTP) interconnecting a client and a server via a data link tunnel and an internet provider tunnel (IP), respectively. After a connection between the client and the server is established, a layer two tunneling protocol (LT2P) message (Fig. 13) is sent from the server, encapsulated on the IP tunnel. Meier at col. 14, ll. 43-44. The gateway forwards the LT2P message, encapsulated on the data link tunnel (Fig. 14). Meier at col. 14, ll. 47.

Although Meier discloses a gateway that forwards an LT2P message encapsulated for a data link tunnel, Meier does not disclose or suggest “*scaling the first parameter value to a second parameter value consistent with a second data link protocol using a scale factor associated with the second data link protocol,*” as recited in claim 35. As shown by Figs. 14-15 of Meier, encapsulation entails *the addition of header to a packet* that identifies another system layer. That is, the encapsulation involves attaching additional information to a packet, rather than *scaling* a parameter value associated with the packet. Meier, col. 14, ll. 36-47; and col. 16, ll. 49-52. The encapsulation does not constitute “*scaling the first parameter value to a second parameter value consistent with a second data link protocol using a scale factor associated with the second data link protocol,*” as recited in claim 35.

Akahane discloses a virtual private network (VPN) router that can identify VPNs by using logic channel identifiers multiplexed on a single input line. Akahane, abstract. Fig. 1 of Akahane shows an internet service provider network 5 (ISP) interconnecting the local area networks (LAN) of enterprises A and B via edge routers 9 and 10. Akahane, col. 5, ll. 2-12. Edge routers 9 and 10 include a VPN ID indication table 150 (Fig. 6), a VPN identification table 151 (Figs. 7A-7B), and routing tables 152 (Fig. 8). Akahane, col. 8, ll. 3-6; col. 8, ll. 43-46; col. 9, ll. 26-30; col. 10, ll. 5-10; and Fig. 5. When edge routers 9 and 10 receive a packet from one of the LANs, VPN ID indication table 150 is searched for a VPN identifier corresponding to the number of the physical interface on which the packet was received or the lower layer interface type. Akahane, col. 8, ll. 19-43. When the VPN identifier is found, the VPN identifier table 151 is searched to determine the VPN from which the packet was received. Akahane, col. 9, ll. 26-30. Upon identifying the VPN from which the packet was received, routing table 152 is searched to determine an appropriate output route and to identify capsule header information to attach to the packet. Akahane, col. 10, ll. 5-10. The packet is then encapsulated with the header and sent to a core router 17. Akahane, col. 10, ll. 59-64.

Although Akahane discloses encapsulating a packet with header information (i.e., attaching header information to a packet), the encapsulation does not involve “*scaling the first parameter value to a second parameter value consistent with a second data link protocol using a scale factor associated with the second data link protocol*,” as recited in claim 35. That is, the encapsulation includes attaching additional information to a packet, rather than *scaling* a parameter value associated with the packet.

For at least the foregoing reasons, Meier and Akahane, taken alone or in any reasonable combination, fail to disclose or suggest each and every element recited in claim 35. Applicant respectfully requests that the Examiner withdraw the rejection of claim 35 under 35 U.S.C. § 103(a).

Independent claims 36, 39, and 46, although of different scope than claim 35, recite features similar to those discussed above in connection with claim 35, and thus distinguish from the cited art for at least the same reasons as claim 35. Applicant respectfully requests that the Examiner withdraw the rejection of claims 36, 39, and 46 under 35 U.S.C. § 103(a).

Claims 37, 38, and 40-42, depend from independent claims 36 or 39, and thus include all the features thereof. Claims 37, 38, and 40-42 thus distinguish from the cited art for at least the same reasons as claims 36 or 39. Applicant respectfully requests that the Examiner withdraw the rejection of claims 37, 38, and 40-42 under 35 U.S.C. § 103(a).

Independent claim 44, as amended, recites a system comprising, among other things, “a gateway configured to . . . *translate content of the source message* to a format consistent with a destination protocol different than the first protocol.”

As discussed above in connection with independent claim 35, Meier and Akahane are drawn to communication methods involving packet *encapsulation*--the attachment to a packet of header information identifying another system layer. Header information is distinct from the *content* of the message. Further, appending a header information to a packet does not constitute *translation*. Therefore, the encapsulation discussed by Meier and Akahane cannot be considered “*translat[ing] content of the*

source message to a format consistent with a destination protocol different than the first protocol and used by a destination data link coupled to the destination module," as recited by claim 44.

For at least the foregoing reasons, Meier and Akahane, taken alone or in any reasonable combination, fail to disclose or suggest each and every element recited in claim 44. Applicant respectfully requests that the Examiner withdraw the rejection of claim 44 under 35 U.S.C. § 103(a).

In addition, Applicant submits that the cancellation of claims 1-34, 43, and 45 renders moot the rejections of claims 1-5, 14-18, 33, and 34 under 35 U.S.C. § 103(a). Applicant respectfully requests the withdrawal of the rejection of these rejections.

Conclusion

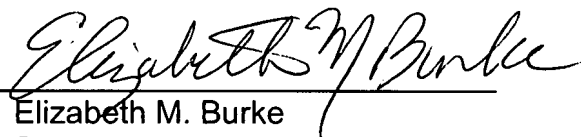
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 14, 2007

By: 
Elizabeth M. Burke
Reg. No. 38,758